

House Bill 1451 (AS PASSED HOUSE AND SENATE)

By: Representatives Dickson of the 6th, Williams of the 4th, and Weldon of the 3rd

A BILL TO BE ENTITLED
AN ACT

To amend an Act providing a new charter for the City of Varnell, approved May 4, 1992 (Ga. L. 1992, p. 6670), as amended, so as to change the corporate boundaries of said city; to provide for election by majority vote for mayor and councilmembers; to change provisions relating to cosigning checks by the mayor; to change provisions relating to the city clerk, city treasurer, city administrator, municipal court clerk, police chief, and municipal court judge; to eliminate the position of city marshal; to provide for additional positions; to revise provisions relating to rules and regulations; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act providing a new charter for the City of Varnell, approved May 4, 1992 (Ga. L. 1992, p. 6670), as amended, is amended by adding a new subsection to Section 1.11 to read as follows:

"(c) In addition to the territory included within the corporate boundaries of the City of Varnell pursuant to subsections (a) and (b) of this section, the following described territory shall also be included within the corporate boundaries of the City of Varnell:

All of the right-of-way of State Route 71 from its intersection with Maple Grove Road south to its intersection with Broadacre Road; all of the right-of-way of Prater's Mill Road from the bridge where existing corporate municipal boundary ends east to its intersection with Crow Road; additionally the following parcel numbers as per the tax registration system and map of the Whitfield County Tax Assessor's office: 11-192-02-019; 11-263-01-058; 11-263-01-068; 11-263-01-037; 11-263-01-016; 11-263-01-059; 11-193-02-007; 11-263-01-020; 11-189-05-007; 11-229-01-003; 11-156-04-010; 11-229-03-030; 11-277-01-008; 11-265-01-005; 11-173-20-000; 11-192-02-018; 11-209-07-000; 11-209-09-000; 11-209-02-000; 11-155-01-006; 11-155-01-009; 11-156-05-000; 11-169 and including all of the right-of-way of Nob North Drive in the

27 Highland Forest Subdivision, Phase 5; 11-170-02-000; 11-190-02-030; 11-229-03-026;
28 11-264-06-029; 11-190-02-063; 11-156-02-002; 11-190-02-199; 11-277-01-039;
29 11-263-01-024; 11-173-05-000; 11-190-02-126; 11-190-02-216; 11-265-01-035;
30 11-156-02-008; 11-207-01-000; 11-189-02-103; 11-264-06-027; 11-263-01-084;
31 11-190-02-092; 11-190-05-000; 11-190-02-206; 11-190-02-036; 11-190-02-037;
32 11-228-01-005; 11-264-02-021; 11-264-08-118; 11-189-05-005; 11-173-11-000;
33 11-281-07-000; 11-277-02-000; 11-264-06-021; 11-191-02-014; 11-261-09-000 and
34 11-190-02-016."

35 **SECTION 2.**

36 Said Act is further amended by striking Section 2.14 and inserting in lieu thereof a new
37 section to read as follows:

38 "SECTION 2.14.

39 Election by majority.

40 Persons receiving a majority of the votes cast for either the mayor or councilmember shall
41 be elected."

42 **SECTION 3.**

43 Said Act is further amended by striking paragraph (4) of Section 3.22 and inserting in lieu
44 thereof a new paragraph to read as follows:

45 "(4) Cosign or designate the city administrator to cosign in his or her stead, along with
46 an individual so designated by majority vote of the city council, all checks for the
47 payment of money, after payment of unpaid invoices, bills, and vouchers is approved by
48 the mayor or his or her city administrator designee and city council and approval for
49 payment has been entered upon the minutes of the city;"

50 **SECTION 4.**

51 Said Act is further amended by striking Sections 4.13 through 4.19 and inserting in lieu
52 thereof new sections to read as follows:

53 "SECTION 4.13.

54 City clerk.

55 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
56 shall be custodian of the official city seal, maintain city council records required by this

charter, and perform such other duties as may be required by the city council. The city council may appoint an assistant city clerk who shall serve in the absence of the city clerk to perform such duties as he or she may be directed. The city clerk shall be appointed at the organizational meeting in January for a period of two years unless an employment contract for a greater length of time has been consummated. Vacancies may be filled by immediate action of the city council for the unexpired term of appointment, if applicable, or if occurring prior to the expiration of any contract term for the period until the next organizational meeting of the mayor and city council.

SECTION 4.14.

City treasurer.

The city council shall appoint a city treasurer to perform the duties of a treasurer and fiscal officer. The city council may by ordinance abolish the position of city treasurer and provide that the duties of the city treasurer shall be performed by the city administrator. The city treasurer shall be appointed at the organizational meeting in January for a period of two years unless an employment contract for a greater length of time has been consummated. Vacancies may be filled by immediate action of the city council for the unexpired term of appointment, if applicable, or if occurring prior to the expiration of any contract term for the period until the next organizational meeting of the mayor and city council.

SECTION 4.15.

City administrator.

The mayor and council shall appoint a city administrator and provide by ordinance for the powers, duties, appointment, qualifications, and compensation of the city administrator. The city administrator shall be appointed at the organizational meeting in January for a period of two years unless an employment contract for a greater length of time has been consummated. Vacancies may be filled by immediate action of the city council for the unexpired term of appointment, if applicable, or if occurring prior to the expiration of any contract term for the period until the next organizational meeting of the mayor and city council. Each place in the charter where the term "city manager" occurs shall be deemed hereafter to mean and refer to "city administrator."

SECTION 4.16.

Municipal court clerk.

The mayor and council, acting in their sole discretion, are authorized to create the position of municipal court clerk and to provide by ordinance for the powers, duties, appointment, qualifications, and compensation of the municipal court clerk. The city clerk shall serve as ex officio municipal court clerk in the absence of the municipal court clerk. The municipal court clerk shall be appointed at the organizational meeting in January for a period of two years unless an employment contract for a greater length of time has been consummated. Vacancies may be filled by immediate action of the city council for the unexpired term of appointment, if applicable, or if occurring prior to the expiration of any contract term for the period until the next organizational meeting of the mayor and city council.

SECTION 4.17.

Police chief.

The mayor and council, acting in their sole discretion, are authorized to create the position of police chief and to provide by ordinance for the powers, duties, appointment, qualifications, and compensation of the police chief. The police chief shall be appointed at the organizational meeting in January for a period of two years unless an employment contract for a greater length of time has been consummated. Vacancies may be filled by immediate action of the city council for the unexpired term of appointment, if applicable, or if occurring prior to the expiration of any contract term for the period until the next organizational meeting of the mayor and city council.

SECTION 4.18.

Parks and recreation director.

The mayor and council, acting in their sole discretion, are authorized to create the position of parks and recreation director and to provide by ordinance for the powers, duties, appointment, qualifications, and compensation of the parks and recreation director. The parks and recreation director shall be appointed at the organizational meeting in January for a period of two years unless an employment contract for a greater length of time has been consummated. Vacancies may be filled by immediate action of the city council for the unexpired term of appointment, if applicable, or if occurring prior to the expiration of any contract term for the period until the next organizational meeting of the mayor and city council.

SECTION 4.19.**Public works director.**

The mayor and council, acting in their sole discretion, are authorized to create the position of public works director and to provide by ordinance for the powers, duties, appointment, qualifications, and compensation of the public works director. The public works director shall be appointed at the organizational meeting in January for a period of two years unless an employment contract for a greater length of time has been consummated. Vacancies may be filled by immediate action of the city council for the unexpired term of appointment, if applicable, or if occurring prior to the expiration of any contract term for the period until the next organizational meeting of the mayor and city council.

SECTION 4.20.**Rules and regulations.**

The city council shall adopt rules and regulations consistent with this charter concerning:

- (1) The method of employee selection and probationary periods of employment;
- (2) The administration of a position classification and pay plan, methods of promotion and applications of service ratings thereto, and transfer of employees within the classification plan;
- (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected;
- (4) Such dismissal hearings as due process may require; and
- (5) Such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel affairs.

SECTION 4.21.**Municipal court clerk; oath.**

The municipal court clerk will be administered the same oath as the municipal judge as outlined in subsection (e) of Section 5.11 of this charter except that the term "clerk" shall be substituted for the term "judge" in such oath."

SECTION 5.

Said Act is further amended by striking subsections (a) and (b) of Section 5.11 and inserting in lieu thereof new subsections to read as follows:

